IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9802 OF 2004

Harischandra Namdev Patil — Petitioner
vs.
The State of Maharashtra & ors. — Respondents

Mr.A.V.Anturkar i/b.Ms.V.V.Bakre-Shastry for the petitioner.

Mr.S.R.Nargolkar,A.G.P. for respondents 1 and 2.

Mr.Nusrat Shah with Mrs.Pervin Contractor and Miss.Swati Rajmane i/b. Mrs.Nargish Shah for the respondents 3 to 5.

CORAM : R. M. LODHA &
R. S. MOHITE,JJ.

DATED : 20th April 2005

P.C.

Heard Mr.A.V.Anturkar, the learned counsel for the petitioner and Mr.S.R.Nargolkar, the learned A.G.P. for the respondents 1 and 2 and Mr.Nusrat Shah, the learned counsel for the respondents 3 to 5.

2. We are informed by the learned counsel for the respondents 3 to 5 that a Tribunal has been constituted under Section 83(1) of the Wakf Act, 1995 and the said Tribunal is functioning at Aurangabad.

3. Since the Tribunal under Section 83(1) of the Wakf Act, 1995 is already constituted and functioning, we are of the view that the petitioner has alternative and

efficacious remedy for redressal of his grievance.

4. We, therefore, hardly find any justification for invoking extraordinary jurisdiction under Article 226 of the Constitution of India.

5. Writ petition is, accordingly, dismissed in limine on the ground of availability of alternative and efficacious remedy to the petitioner. All contentions of the petitioner including the contention that subject Trust is not notified under the Wakf Act are kept open to be agitated before the Tribunal.

(R.M. LODHA,J.)

(R.S. MOHITE,J.)